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Repeal and saving.

20. (1) The Madras Drugs (Control) Ordinance, 1949, is hereby repealed. Madras Ordinance III of 1949.

(2) Notwithstanding such repeal, any rules made, notifications or orders issued, action taken, or thing done in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, issued, taken or done in the exercise of the powers conferred by or under this Act as if this Act had come into force on the 3rd day of October 1949.

APPENDIX VIII.

[Vide item III (4) at page 656 supra.]

L.A. BILL No. 29 OF 1949.

(As passed by the Assembly.)

A Bill to provide for the temporary protection of certain classes of tenants and ryots in the Province of Madras.

WHEREAS it is necessary, pending further legislation, to provide for the temporary protection against eviction of tenants to whom the Malabar Tenancy Act, 1929, applies and of tenants of private lands in estates governed by the Madras Estates Land Act, 1908, and against sale of the holdings of such tenants and of ryots in such estates and to provide for the stay of suits and other proceedings relating to such eviction and sale; It is hereby enacted as follows:— Madras Act XIV of 1930. Madras Act I of 1908.

Short title, application, commencement and duration.

1. (1) This Act may be called the Madras Tenants and Ryots Protection Act, 1949.

(2) It applies to—

(*a*) tenants in the district of Malabar governed by the Malabar Tenancy Act, 1929; Madras Act XIV of 1930.

(*b*) ryots in estates in the Province of Madras governed by the Madras Estates Land Act, 1908; and Madras Act I of 1908.

(*c*) tenants of private lands in such estates.

(3) It shall come into force at once and shall remain in force up to and inclusive of the 7th October 1950.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Madras Act. Madras Act I of 1891.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) the expressions 'estate,' 'holding,' 'private land,' 'rent' and 'ryot' shall in relation to estates governed by the Madras Estates Land Act, 1908, have the same meanings respectively as in that Act; Madras Act I of 1908.

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Madras Act XIV of 1930. (b) the expressions 'evictions,' 'holding,' 'rent' and 'tenant' shall in relation to cases governed by the Malabar Tenancy Act, 1929, have the same meanings respectively as in that Act;

(c) the expression 'landlord' shall mean—

Madras Act I of 1908. (i) in relation to estates governed by the Madras Estates Land Act, 1908, 'landholder' as defined in that Act; and

Madras Act XIV of 1930. (ii) in relation to cases governed by the Malabar Tenancy Act, 1929 'landlord' as defined in that Act.

Ryots and tenants not to be evicted. 3. During the continuance of this Act and subject to the provisions of sections 4 and 5—

(a) no tenant in the district of Malabar, and no tenant of any private land in an estate shall be liable to be evicted by his landlord in pursuance of a decree or order for eviction; and

(b) no holding of a tenant or ryot shall be liable to be sold or brought to sale in pursuance of a decree, order, or other proceeding for recovery of rent.

Stay of suits and proceedings for eviction of tenants. 4. (1) All suits, proceedings in execution of decrees or orders and other proceedings—

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant or ryot for recovery of rent is claimed

and which stood stayed up to the commencement of this Act or which may be instituted after such commencement in any civil or revenue court, shall continue to stand stayed or shall stand stayed, as the case may be, subject to the provisions of the following sub-sections:

Central Act V of 1908. Provided that nothing contained in this sub-section shall affect the power of the court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, 1908, with a view to prevent wilful waste by the tenant or any person claiming under him.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall within two months from the date of institution of the suit, deposit in court, for payment to the landlord the arrears of rent claimed in the plaint, or an amount equivalent to rent for two years at the rate claimed in the plaint, whichever is less, together with such interest as may be payable under law, custom or agreement.

(3) Notwithstanding the expiry of the period specified in sub-section (2) the court may, if satisfied that the tenant was prevented by sufficient cause from making the deposit within the period aforesaid, allow the deposit to be made within a specified period not exceeding one month and may extend it by such period or periods not exceeding one month in the aggregate, as it thinks fit.

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(4) where a suit or other proceedings is stayed under sub-section (1), the tenant or ryot shall, so long as this Act is in force, deposit or continue to deposit in court, for payment to the landlord, each year's rent as it accrues due, within a period of two months from the date on which it becomes payable or such further period or periods not exceeding two months in the aggregate as may be allowed by the court.

(5) The deposit specified in sub-sections (2) and (4) may be made by the tenant or ryot or any person whose interests are likely to be affected by the eviction or sale or the holding or land.

(6) If the deposit required by sub-section (2) or sub-section (4) is not made within the time specified therein or within such time as may be granted under sub-section (3) or sub-section (4), the court shall proceed with the suit, execution proceeding or other proceeding, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

(7) Where a deposit has been made under sub-section (2), or sub-section (4) and there is a dispute in regard to the rate of rent or the existence of the arrears of rent or the amount thereof, the court may—

(i) refuse to pay to the landlord the whole of the amount deposited or, as the case may be, the portion thereof which is in dispute; or

(ii) direct the payment of the same to the landlord on such terms and conditions as it thinks fit.

(8) The provisions of sub-sections (1) to (7) shall apply *mutatis mutandis* to all proceedings pending at the commencement of this Act or instituted thereafter, in any court of appeal or revision.

Power of Provincial Government to order continuance of suits and proceedings.

5 Notwithstanding anything contained in section 4, the Provincial Government may direct that any suit or proceeding or class or classes thereof, stayed under sub-section (1) or sub-section (8) of that section, shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

Continuance of suits and proceedings after the expiration of the Act.

6. All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed :

Provided that, in the case of a suit instituted after the commencement of this Act, the court may, if satisfied that such suit is vexatious or unnecessary, deprive the plaintiff of his costs and award costs to the defendant.

Power to remove difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

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Saving and validation.

8. (1) Any order made or purporting to have been made, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken, or any thing done or purporting to have been done—

Madras Act XVII of 1946.

(*a*) under any provision of the Madras Tenants and Ryots Protection Act, 1946 (hereinafter in this section and in section 9 referred to as the said Act and in force immediately before the 8th October 1948), or

(*b*) on or after the 8th October 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

Madras Ordinance VII of 1949.

(*c*) under any provision of the Madras Tenants and Ryots Protection Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance)

shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that it was in force at the relevant time or made under the said Ordinance, be deemed to be an order made, decision or direction given, action or proceeding taken, or thing done, under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, and any application made or purporting to have been made—

(*a*) under any provision of the said Act before the 8th October 1948, or

(*b*) on or after the 8th October 1948 under any provision of the said Act on the footing that it was in force at the relevant time, or

(*c*) under any provision of the said Ordinance,

shall be deemed to have been incurred or made under the corresponding provision of this Act.

TRUTH ALONE TRIUMPHS

Indemnity for acts, etc., done after expiry of Madras Act XVIII of 1946.

9. (1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the Provincial Government or any person acting under his direction or aiding or assisting him—

(*a*) for, or on account of, or in respect of, any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act, or

(*b*) for carrying out any decision given by any court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Provincial Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act.

(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

Repeals. **10.** The Madras Tenants and Ryots Protection Act, 1946, and the Madras Tenants and Ryots Protection Ordinance, 1949, are hereby repealed. Madras Act XVII of 1946. Madras Ordinance VII of 1949.

APPENDIX IX.

[Vide item III (5) at page 658 supra.]

L.A. BILL No. 30 OF 1949.

(As passed by the Assembly.)

A Bill to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes.

WHEREAS it is necessary, pending further legislation, to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein; It is hereby enacted as follows:—

Short title, application, commencement and duration. **1.** (1) This Act may be called the Madras Preservation of Private Forests Act, 1949.

(2) It applies—

(i) to private forests in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres and owned by a single person or by more than one person jointly;

(ii) to forests situated in estates defined in the Madras Estates Land Act, 1908, in the Province of Madras; Madras Act I of 1908.

(iii) to private forests situated in other areas in the Province of Madras and having a contiguous area exceeding 100 acres which may be declared by the Provincial Government to be forests for the purposes of this Act by notification in the *Fort St. George Gazette*,

but does not apply to reserved forests constituted under the Madras Forest Act, 1882, and lands at the disposal of the Government as defined in that Act. Madras Act V of 1882.

(3) It shall come into force at once and shall remain in force up to and inclusive of 2nd December 1950.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Madras Act. Madras Act I of 1891.